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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 2539 OF 2021

Abhinaya Santosh Kumar Sahi	...Applicant
Versus	
The State of Maharashtra	...Respondent

Ms. Trupti Shetty for the Applicant.

Mr. H. J. Dedhia, A.P.P for the Respondent-State.

CORAM : REVATI MOHITE DERE, J.
DATE : 20th SEPTEMBER, 2021

P.C. :

1. This is the fifth bail application preferred by the applicant. The earlier bail applications of the applicant were either rejected on merits or was withdrawn.

2. After arguing for sometime, when the Court was not inclined to enlarge the applicant on bail, learned Counsel for the applicant sought leave to withdraw the application. Learned Counsel for the applicant, however, requests that the trial which has already commenced, be expedited and made time bound and that the learned Judge is directed to

take up the case on day to day basis.

3. Learned APP, on instructions, states that till date, six witnesses have been examined and that the prosecution intends to examine 10-12 more witnesses. He submits that the prosecution has also given a chart as to how they propose to examine the rest of the witnesses. Learned APP has no objection if the trial which has already been expedited, is made time bound. He submits that the prosecution is also ready to conduct the case on day to day basis, if so directed.

4. This Court vide order dated 28th November, 2019 passed in Criminal Writ Petition No. 4698 of 2019, had directed the learned Judge to decide the applicant's case as expeditiously as possible, and in any event, within 12 months from the date of receipt of this order. It appears that due to pandemic, the trial could not proceed expeditiously. Now with the new SOPs in place, there is no impediment for the Trial Court to proceed with the case. Till date, six witnesses have been examined and the prosecution intends to examine 10-12 more witnesses. Accordingly, the learned Judge to examine the prosecution witnesses, as may be available/summoned, as expeditiously as possible and preferably, on day to day basis, since the applicant is in custody since 29th February, 2016.

5. The Trial Court to conclude the trial expeditiously and in any event, on or before 15th January, 2022.
6. The application is dismissed as withdrawn with the aforesaid directions.
7. Registry to communicate the aforesaid order to the learned Judge, who is seized of the Sessions Case No. 1032 of 2016, by fax or e-mail.
8. Learned Judge to conduct the case on its own merits, uninfluenced by the withdrawal of this application.
9. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.